



General Assembly

January Session, 2011

Amendment

LCO No. 8014

SB0101508014SR0

Offered by:
SEN. BOUCHER, 26th Dist.

To: Senate Bill No. 1015

File No. 605

Cal. No. 375

"AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2011*) (a) The Commissioner of
4 Consumer Protection shall establish a palliative marijuana review
5 panel consisting of seven physicians or surgeons who are
6 knowledgeable about the palliative use of marijuana and certified by
7 the appropriate American board in one of the following specialties:
8 Neurology, pain medicine, pain management, medical oncology,
9 psychiatry, infectious disease, family medicine or gynecology. The
10 commissioner shall select the members from a list submitted by the
11 Connecticut Medical Society. Four of the members of the panel first
12 appointed shall serve for a term of four years and three of the members
13 of the panel first appointed shall serve for a term of three years.
14 Thereafter, members of the panel shall serve for a term of four years
15 and shall be eligible for reappointment. Any member of the panel may
16 serve until a successor is appointed. At the first meeting of the panel,

17 the panel shall select a chairperson from among its members.

18 (b) A quorum of the palliative marijuana review panel shall consist
19 of four members.

20 (c) Prior to signing a written certification on behalf of a qualifying
21 patient, a physician shall submit, on such form as the review panel
22 prescribes, such physician's opinion that a qualifying patient has a
23 debilitating medical condition and the potential benefits of the
24 palliative use of marijuana would likely outweigh the health risks of
25 such use to the qualifying patient. The palliative marijuana review
26 panel shall review such opinion and determine whether the board
27 agrees that the qualifying patient has a debilitating medical condition
28 and the potential benefits of the palliative use of marijuana would
29 likely outweigh the health risks of such use to the qualifying patient.
30 The panel shall complete its review within thirty days after receiving
31 such form, and shall notify such physician and the Commissioner of
32 Consumer Protection in writing whether the board agrees with such
33 physician's opinion not later than five business days after completing
34 its review. The physician shall not sign a written certification unless
35 the panel agrees with such physician's opinion pursuant to such
36 review.

37 (d) The decision of the panel under this section shall be final and a
38 review under this section shall not be deemed a contested case, as
39 defined in section 4-166 of the general statutes, except that nothing in
40 this section shall prohibit a physician from submitting a form with
41 supplemental information on behalf of a qualifying patient after a
42 determination by the panel that the panel does not agree with the
43 physician's opinion that the qualifying patient has a debilitating
44 medical condition and the potential benefits of the palliative use of
45 marijuana would likely outweigh the health risks of such use to the
46 qualifying patient.

47 (e) Any information submitted to the board pursuant to this section
48 shall be confidential and shall not be subject to disclosure under the

49 Freedom of Information Act, as defined in section 1-200 of the general
50 statutes.

51 Sec. 502. (NEW) (*Effective October 1, 2011*) Notwithstanding the
52 provisions of subsection (a) of section 3 of this act, a registration
53 certificate shall expire six months from the date of issuance unless the
54 written certification indicates that the qualifying patient has a terminal
55 illness, in which case such registration certificate shall be effective until
56 the expiration of such written certification. For the purposes of this
57 section, "terminal illness" means an active and progressive illness that
58 results in a patient being diagnosed by a physician as having a
59 prognosis of six months or less to live.

60 Sec. 503. (NEW) (*Effective October 1, 2011*) No physician may issue a
61 written certification to a qualifying patient for the palliative use of
62 marijuana unless the physician has been certified to issue such written
63 certifications pursuant to this section. The Commissioner of Consumer
64 Protection shall adopt regulations, in accordance with chapter 54 of the
65 general statutes, to establish a procedure and criteria for certifying
66 physicians to issue written certifications to qualifying patients for the
67 palliative use of marijuana. Such regulations shall provide that no
68 physician may be certified to issue such written certifications unless
69 the physician demonstrates to the satisfaction of the commissioner that
70 (1) the physician has received training or certification in the treatment
71 of substance abusive or dependent persons, and (2) the physician has
72 adequate knowledge about the physiological effects of marijuana, the
73 side effects of marijuana and the interaction of marijuana with other
74 drugs.

75 Sec. 504. (NEW) (*Effective October 1, 2011*) The Commissioner of
76 Consumer Protection shall adopt regulations, in accordance with
77 chapter 54 of the general statutes, to establish a standard of care for the
78 palliative use of marijuana. At a minimum, such standard of care shall:

79 (1) Require that a physician issuing a written certification document
80 that the qualifying patient has tried all conventional medical

81 treatments and that such medical treatments have failed to provide the
82 desired relief;

83 (2) Require that a physician issuing a written certification obtain
84 written informed consent from a qualifying patient concerning the
85 medical risks of the use of marijuana, and provide that such informed
86 consent shall include information about the risk of infection,
87 pulmonary complications, suppression of immune function,
88 impairment of driving and other motor skills and habituation;

89 (3) Require that prior to issuing a written certification, each
90 physician document in the qualifying patient's medical record such
91 qualifying patient's history, if any, of abusing marijuana or any other
92 psychoactive or addictive controlled substance;

93 (4) Provide that during any period when a qualifying patient holds
94 an effective registration certificate pursuant to subsection (a) of section
95 3 of this act, the qualifying patient shall be subject to periodic chemical
96 analysis of such qualifying patient's blood, breath or urine for the
97 purpose of determining whether the qualifying patient has ingested,
98 inhaled or otherwise introduced into such qualifying patient's body a
99 controlled substance that has not been prescribed by a physician, and
100 further provide that the Department of Consumer Protection shall
101 revoke a registration certificate for any qualifying patient who fails to
102 comply with such testing requirement, or for whom such analysis
103 indicates the presence of a controlled substance that has not been
104 prescribed by a physician;

105 (5) Provide that during any period when a qualifying patient holds
106 an effective registration certificate pursuant to subsection (a) of section
107 3 of this act, the qualifying patient shall be subject to periodic medical
108 examinations on such schedule and in such manner as prescribed in
109 such regulations, and further provide that such medical examinations
110 shall include, but need not be limited to, pulmonary function testing,
111 evaluation of immune system function and testing to determine
112 whether a superadded infection is present;

113 (6) Establish procedures to ensure the standardization of the
114 tetrahydrocannabinol potency, and the absence of microbial
115 contaminants, in marijuana used by qualifying patients;

116 (7) Establish specific criteria for a physician to use when (A) issuing
117 a written certification to a qualifying patient who presents with a
118 debilitating medical condition, and (B) determining the appropriate
119 duration of palliative use of marijuana with respect to such qualifying
120 patient and debilitating medical condition;

121 (8) Provide that the Department of Consumer Protection shall not
122 issue a registration certificate pursuant to subsection (a) of section 3 of
123 this act for a duration that exceeds the duration established pursuant
124 to subparagraph (B) of subdivision (7) of this section; and

125 (9) Establish a state-wide tracking system related to the palliative
126 use of marijuana.

127 Sec. 505. (NEW) (*Effective October 1, 2011*) (a) The Department of
128 Consumer Protection shall establish an investigational review board
129 to:

130 (1) Monitor the issuance of written certifications to qualifying
131 patients to ensure that physicians follow the guidelines set forth in the
132 standard of care established in section 504 of this act when issuing
133 such written certifications;

134 (2) Conduct a study or clinical trial consisting of all qualifying
135 patients who hold valid registration certificates pursuant to section 3 of
136 this act in order to research the potential therapeutic benefits of
137 marijuana; and

138 (3) Establish procedures to require physicians who issue written
139 certifications to provide the board with valid medical research that
140 indicates that marijuana is an effective treatment for the debilitating
141 medical condition for which the written certification is issued.

142 (b) The Commissioner of Consumer Protection shall adopt

143 regulations, in accordance with chapter 54 of the general statutes, to
144 implement the provisions of this section. On and after the date such
145 regulations are effective, each physician who issues a written
146 certification shall submit information to the board in the manner
147 prescribed in such regulations."